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GEICO INDEMNITY COMPANY

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EBONY JOHNSON, DEWAYNE JOHNSON,

Plaintiffs,

v.

GEICO INDEMNITY COMPANY,
DOES 1 - 100

Defendants.

Case No. 2:24-cv-02191-JAM-AC

**JOINT REQUEST AND STIPULATION
TO EXTEND THE TIME FOR
COUNSEL TO MEET AND CONFER
AND DEFENDANT GEICO TO
RESPOND TO PLAINTIFF'S
COMPLAINT**

FRCP 6; LOCAL RULE 144

Case Removed: 8/15/24

Initial Responsive Deadline: 8/22/24

First Extended Deadline: 9/19/24

Second Extended Deadline: 10/10/24

TO THE COURT, CLERK OF THE COURT AND ALL PARTIES:

1. Defendant GEICO INDEMNITY COMPANY removed this case from the Superior Court for the County of Sacramento on Thursday, August 15, 2024.
2. Under Federal Rule Civil Procedure, Rule 81 (c) (2) (C) a Party has 7 days after a notice of removal is filed to file a responsive pleading.
3. For this case, the 7-day deadline after the filed notice of removal was Thursday, August 22, 2024.

1 4. Therefore, under Federal Rule Civil Procedure, rule 81 (c) (2) (C) Defendant
2 GEICO INDEMNITY COMPANY had until Thursday, August 22, 2024, to file a responsive
3 pleading, absent the Parties jointly extending the deadline.

4 5. Local Rule 144 (a) of the United States District Court, Eastern District of
5 California, allows the Parties to stipulate to one extension not longer than 28 days, for a
6 Defendant to respond to a complaint.

7 6. Defendant GEICO INDEMNITY COMPANY and Plaintiffs EBONY JOHNSON
8 and DEWAYNE JOHNSON, through their attorneys of record, stipulated to a 28-day extension
9 for Defendant GEICO INDEMNITY COMPANY to respond to Plaintiff's complaint.

10 7. With the 28-day extension, Defendant GEICO INDEMNITY COMPANY'S
11 responsive pleading is currently due no later than Thursday, September 19, 2024.

12 8. Counsel for GEICO INDEMNITY COMPANY evaluated Plaintiffs' complaint
13 and emailed a lengthy analysis to Plaintiffs' counsel on Wednesday, September 11, 2024, setting
14 forth how Plaintiffs' causes of action and allegations are untimely because of the applicable
15 Statute of Limitation for each cause of action (7).

16 9. Counsel for GEICO INDEMNITY COMPANY also discussed with Plaintiffs'
17 counsel the lack, and absence, of causation between the allegations and conclusions within the
18 seven causes of action.

19 10. On Wednesday, September 11, 2024, Mr. McKinney replied acknowledging
20 receipt of the email with lengthy analysis.

21 11. On Wednesday, September 11, 2024, counsel for GEICO INDEMNITY
22 COMPANY returned Mr. McKinney's call at 5:32 pm and Mr. McKinney stated he would speak
23 with Plaintiffs about the email, the analysis of the allegations and causes of action in their
24 complaint, and Plaintiffs' response to the complaint, so we can meet and confer.

25 12. On Friday, September 13, 2024, at 5:05 pm, counsel for GEICO INDEMNITY
26 COMPANY telephoned Mr. McKinney and asked if he had an opportunity to speak with
27 Plaintiffs. Mr. McKinney replied he had not yet had an opportunity to speak with Plaintiffs. We
28 agreed to communicate with each other on Monday, September 16, 2024.

13. On Monday, September 16, 2024, counsel for GEICO INDEMNITY COMPANY emailed Plaintiffs' counsel asking whether he had the opportunity to meet with the Plaintiff's about their complaint, the allegations, the causes of action, and our email with analysis about the allegations and causes of action.

14. On Tuesday, September 17, 2024, counsel for GEICO INDEMNITY COMPANY emailed Plaintiffs' counsel discussing the meet and confer requirement in Judge Mendez's August 21, 2024, Order, and proposed a 21-day extension for counsel to meet and confer before GEICO INDEMNITY COMPANY files its 12(b) (6) Motion to Dismiss in an effort to avoid needless litigation and/or reduce the issues in Plaintiffs' complaint the Court will need to address.

15. Counsel for both Parties request of the Court, and stipulate to, a 21-day extension for counsel to meet and confer about Plaintiffs' complaint.

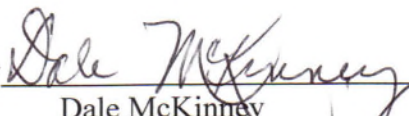
16. Counsel for both Parties request of the Court, and stipulate to, a 21-day extension for GEICO INDEMNITY COMPANY to file its responsive pleading in this case.

17. Counsel for both Parties request of the Court, and stipulate to, ***a new deadline of Thursday, October 10, 2024***, for counsel to meet and confer about Plaintiffs' complaint, and for GEICO INDEMNITY COMPANY to file its responsive pleading in this case.

IT IS SO REQUESTED AND STIPULATED.

Dated: September 17, 2024

THE LAW OFFICE OF DALE McKINNEY

By 
Dale McKinney
Attorneys for Plaintiffs
EBONY JOHNSON and DEWAYNE JOHNSON

1 Dated: September 17, 2024

GORDON REES SCULLY MANSUKHANI, LLP

2
3 By 

Jordan S. Altura

Michael K. Brisbin

Attorneys for Defendant

GEICO INDEMNITY COMPANY

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EBONY JOHNSON, DEWAYNE JOHNSON,
Plaintiffs,
v.
GEICO INDEMNITY COMPANY,
Defendant.

Case No. 2:24-cv-02191-JAM-AC

**ORDER ON THE PARTIES
STIPULATION TO EXTEND THE
TIME FOR COUNSEL TO MEET AND
CONFER AND DEFENDANT GEICO
TO RESPOND TO PLAINTIFF'S
COMPLAINT**

The Court having received and considered the Joint Request and Stipulation to extend the time for counsel to meet and confer, and for defendant GEICO INDEMNITY COMPANY to respond to Plaintiffs' complaint, and finding good cause, **GRANTS** the Stipulation.

The Court **EXTENDS** the deadline for counsel to meet and confer about Plaintiffs' complaint, and for GEICO INDEMNITY COMPANY to file its responsive pleading, to **Thursday, October 10, 2024.**

Dated: September 27, 2024

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE